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Lynchburg, and *Hill Carter* and *F. T. Sutton*, both of Richmond, for plaintiffs in error.

R. E. Byrd, of Richmond, *George Mason*, of Colonial Beach, and *S. Hamilton Graves*, of Roanoke, for defendants in error.

JACKSON *v.* COMMONWEALTH.

March 19, 1914.

[81 S. E. 192.]

1. Criminal Law (§ 531*)—Evidence—Confessions—Preliminary Proof.—On a trial for murder, evidence as to an alleged confession by accused held to show that it was induced by the hope, inspired by what the witness told him, that he would thereby escape the extreme penalty of the law.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1212-1217; Dec. Dig. § 531.* 4 Va.-W. Va. Enc. Dig. 83.]

2. Criminal Law (§ 520*)—Evidence—Confessions—Voluntary Character.—Where a confession by a person charged with murder was induced by the hope that he would thereby escape the extreme penalty of the law, inspired by what he was told by a person who, though he held no public office, was active in the prosecution, and promised, if accused would confess, that he would see the judge and secure, or try to secure, some advantage to accused, the confession was not admissible.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1166, 1175-1184; Dec. Dig. § 520.* 4 Va.-W. Va. Enc. Dig. 83.]

3. Criminal Law (§ 520*)—Evidence—Confession to "Person in Authority."—Within the rule excluding a confession obtained by some inducement in the nature of a threat or promise by a person in authority, or with the apparent sanction of such person, "persons in authority" are those engaged or concerned in the apprehension, prosecution, or examination of accused.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1166, 1175-1184; Dec. Dig. § 520.* 4 Va.-W. Va. Enc. Dig. 83.]

4. Criminal Law (§ 520*)—Evidence—Confessions—Voluntary Character.—An alleged confession, induced by the hope of the gain of some advantage or to avoid some evil in reference to the proceeding against the declarant, is inadmissible.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 1166, 1175-1184; Dec. Dig. § 520.* 4 Va.-W. Va. Enc. Dig. 83.]

Error to Circuit Court, Sussex County.

Emanuel Jackson was convicted of murder, and he brings error. Reversed and remanded.

Armistead & Burt, of Williamsburg, for plaintiff in error.

The Attorney General, for the Commonwealth.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes